

IN THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF MISSOURI

In Re: Edward M Gutting) Case No. 13-61761-13
Angela M Hornsby-Gutting)
Debtors)

MOTION TO AVOID JUDICIAL LIEN ON REAL ESTATE

COMES NOW Debtors, by and through their attorney of record, and for their Motion to Avoid Judicial Lien of EZ Money/MM Finance, and in support thereof state:

1. Debtors, Edward M Gutting and Angela M Hornsby-Gutting commenced this case on November 21, 2013 by filing a voluntary petition for relief under Chapter 13 of the United States Bankruptcy Code.
2. This Court has jurisdiction over this motion, filed pursuant to 11 U.S.C. §522(f) to avoid and cancel a judicial lien held by EZ Money/MM Finance (hereinafter referred to as “Creditor”) on real property used as the Debtors’ residence, under 28 U.S.C. §1334.
3. On or about 3/11/2013 , Creditor obtained a judgment against Debtor in The 31st Judicial Circuit Case # 1331-AC00777 and a judicial lien against the following debtors’ residence at:

5090 E Cherry Hills Blvd
Norwood, MO 65809
4. The Debtors’ interest in the property referred to in the preceding paragraph and encumbered by the lien has been claimed as full exempt in their bankruptcy case.

5. The existence of Creditor's lien on Debtors' real property impairs exemptions to which the Debtors would be entitled under 11 U.S.C. §522(b).

WHEREFORE, Debtors pray for an order against EZ Money/MM Finance avoiding and canceling the judicial lien in the above-mentioned property, and for such additional or alternative relief as may be just and proper.

Dated: 01/09/2014

Respectfully submitted,
LICATA BANKRUPTCY FIRM, P.C.

/s/ Matthew J. Isaacson

Matthew J. Isaacson #57894
1442 E Bradford Parkway
Springfield, MO 65804
(417) 887-3328 / Fax (417) 887-8091
ATTORNEY FOR DEBTORS

CERTIFICATE OF SERVICE

I hereby certify that on January 9, 2014, the foregoing was delivered via e-mail to all necessary parties that are registered to receive electronic filings on ECF, and regular first class, postage prepaid to all necessary parties that are not registered to receive electronic filings on ECF.

EZ Money/MM Finance
525 S Glenstone
Springfield, MO 65802

Julie A Anderson
423 Westport Rd
Ste. 200
Kansas City, MO 64111

/s/ Matthew J. Isaacson